

1 BEFORE THE PERSONNEL APPEALS BOARD

2 STATE OF WASHINGTON

3 ELIZABETH JOHNSON, )

4 Appellant, )

5 v. )

6 DEPARTMENT OF LABOR AND )  
7 INDUSTRIES, )

8 Respondent. )  
9 )

) Case No. ALLO-99-0003

) ORDER OF THE BOARD FOLLOWING  
) HEARING ON EXCEPTIONS TO THE  
) DETERMINATION OF THE DIRECTOR

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11 **Hearing on Exceptions.** Pursuant to RCW 41.64.060 and WAC 358-01-040, this matter came on  
12 for hearing before the Personnel Appeals Board, NATHAN S. FORD JR., Member, on Appellant's  
13 exceptions to the Director's determination dated February 8, 1999. The hearing was held at the  
14 office of the Personnel Appeals Board in Olympia, Washington, on September 22, 1999. GERALD  
15 L. MORGEN, Vice Chair, reviewed the record, including the file, exhibits, and the entire taped  
16 proceedings, and participated in the decision in this matter. WALTER T. HUBBARD, Chair, did  
17 not participate in the hearing or in the decision in this matter.

18 **Appearances.** Appellant Elizabeth Johnson was present and was represented by Tam Tocher,  
19 Area Representative with the Washington Federation of State Employees. Respondent Department  
20 of Labor and Industries (L&I) was represented by David Cahill, Personnel Analyst with the  
21 Department of Personnel, and Sandy LaPalm, Human Resource Representative.

22  
23 **Background.** Appellant requested a reallocation of her position by submitting a classification  
24 questionnaire (CQ) to L&I management and to the Department of Personnel (DOP). Dave Cahill of  
25 DOP, determined that Appellant's position was properly allocated to the Industrial Insurance  
26 Underwriter 4 classification.

Appellant appealed Mr. Cahill's decision to the Director of the Department of Personnel. The Director's designee, Mary Ann Parsons, conducted an allocation review of Appellant's position. By letter dated February 8, 1999, Ms. Parsons determined that Appellant's position was properly allocated. On March 5, 1999, Appellant filed timely exceptions to the Director's determination with the Personnel Appeals Board. Appellant's exceptions are the subject of this proceeding.

In summary, Appellant disagrees with the Director's determination and asserts that the Director's designee erred by finding that:

- Information and technology does not compose a majority of the work performed by the Technical Support Unit.
- A majority of the employees assigned to the unit are Industrial Insurance Underwriters.
- The primary focus of the unit is training, not the performance of information, technology and computer support functions.
- On a best fit basis, Appellant's position best fits the Industrial Insurance Underwriter 4 classification.

**Summary of Appellant's Argument.** Appellant argues that when her position was created, it was allocated to the Industrial Insurance Underwriter 4 classification as a best fit because at that time, the unit and her position were evolving and the focus of the duties assigned to the unit was not clearly defined. However, as the agency's use of automation grew, the need for the Technical Support Unit to provide support and maintenance for the increasing technology also grew. As a result, Appellant contends that the primary focus of the unit became providing technology support and that training became less of a focus, although training on the technology and system changes is still a component of the overall duties of the unit. Appellant contends that she directs and manages the work of the Technical Support Unit and that because the majority of duties of the unit do not involve providing training to underwriters, her position is improperly allocated to the Industrial Insurance Underwriter 4 classification.

1 In addition, Appellant asserts that the Director's designee accepted some, but not all, of the  
2 examples of work she offered during the allocation review.

3 **Summary of Respondent's Argument.** Respondent argues that Appellant's position best fits the  
4 Industrial Insurance Underwriter 4 classification because the purpose of the unit is: 1) to provide  
5 training to underwriters and 2) to maintain the LINIIS computer system. However, Respondent  
6 contends that providing information and technology support functions is not the focus of the  
7 position. Respondent asserts that Appellant supervises five subordinate employees, the majority of  
8 whom are allocated to the Industrial Insurance Underwriter 3 classification. Respondent contends  
9 that based on the duties and responsibilities assigned to the position, the historical intent of the  
10 position, and the agreements of the parties when the position was developed, Appellant's position  
11 best fits the Industrial Insurance Underwriter 4 classification.

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13 In addition, Respondent asserts that the Director's designee accepted sufficient examples of  
14 Appellant's work and that it was not necessary for the designee to accept every example offered by  
15 Appellant.  
16

17 **Primary Issue.** Whether the Director's determination that Appellant's position is properly  
18 allocated to the Industrial Insurance Underwriter 4 classification should be affirmed.

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20 **Relevant Classifications.** Industrial Insurance Underwriter 4, class code 13848; Computer  
21 Information Consultant 3, class code 03720; and Information Technology Manager 1 and 2, class  
22 codes 03250 and 03251.

23 **Decision of the Board.** WAC 358-30-022 provides that a hearing on exception to the Director's  
24 allocation determination shall be limited to the exceptions set forth in the notice of appeal. We  
25 consider exceptions based on the record that was created before the Director's designee. Therefore,  
26 when an employee offers information and documentation to the Director's designee, is it imperative

1 that this information is accepted and considered by the Director's designee and then forwarded to  
2 the Board when exceptions are filed. We are concerned that in this case, it appears that information  
3 may have been offered but not accepted by the Director's designee. We encourage the Director's  
4 designee to ensure that all relevant information and documentation is entered into the record.

5  
6 The purpose of a position review is to determine which classification best describes the overall  
7 duties and responsibilities of a position. A position review is neither a measurement of the volume  
8 of work performed, nor an evaluation of the expertise with which that work is performed. Also, a  
9 position review is not a comparison of work performed by employees in similar positions. A  
10 position review is a comparison of the duties and responsibilities of a particular position to the  
11 available classification specifications. This review results in a determination of the class which best  
12 describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington  
13 State University, PAB Case No. 3722-A2 (1994).

14  
15 An allocation decision is based on the duties and responsibilities of an incumbent's position, as  
16 described by the position's CQ, and the specific language in the specifications in effect at the time  
17 of the decision. In this case, Appellant requested reallocation of her position in October 1996. She  
18 then updated her CQ in January 1997. The Board's decision is based on the duties and  
19 responsibilities described in Appellant's January 1997 CQ. Subsequent changes in her duties or the  
20 number of subordinates she supervises should be documented in a revised CQ.

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22 In her January 1997 CQ, Appellant indicates that she manages and the directs the activities of the  
23 Technical Support Unit of Employer Services Section of Insurance Services and that she supervises  
24 nine subordinates, however she lists only eight subordinates. Appellant indicates that she  
25 supervises two CIC positions, four Industrial Insurance Underwriter positions, one Vocational  
26 Services Specialist position and one clerical position.

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2 The definition and distinguishing characteristics for the Information Technology Manager 1 and 2  
3 classification describe positions with second-line supervisory responsibilities or that supervise  
4 senior-level analysts, consultants, programmers, or specialists for an agency. Appellant is not a  
5 second-line supervisor and the scope of her position is limited to the Technical Support Unit of  
6 Employer Services. Therefore, the Information Technology Manager classification series does not  
7 best describe Appellant's position.

8  
9 The definition for the Industrial Insurance Underwriter 4 classification states, in part, "[s]upervises  
10 groups of five or more Industrial Insurance Underwriters. . . ." The CQ that Appellant submitted  
11 for her reallocation shows that she does not supervise five or more Industrial Insurance Underwriter  
12 positions. Therefore, this classification is not the best fit for Appellant's position.

13  
14 The definition for the CIC 3 classification describes positions that typically specialize in "technical  
15 support of services intended for nondata processing professionals, plans for agency/division/unit  
16 data processing requirements and/or user support functions such as acquisitions, training,  
17 publications and coordinating service delivery." The distinguishing characteristics for the class  
18 encompass positions that supervise three or more data processing or nondata processing  
19 professional or technical positions. Appellant's position meets the definition and distinguishing  
20 characteristics of this classification. Appellant supervises nondata processing professional or  
21 technical positions. She manages and directs the work of the Technical Support Unit which  
22 provides user support functions. The focus of the Technical Support Unit is to provide information  
23 and technology support to underwriters and to provide associated training to underwriters for  
24 various operating systems. Because of the scope and intent of the unit and Appellant's supervisory  
25 responsibilities, on a best fit basis, her position should be allocated to the CIC 3 classification.

1 **Conclusion.** The appeal on exceptions by Appellant should be granted and her position should be  
2 reallocated to the Computer Information Consultant 3 classification. The determination of the  
3 Director, dated February 8, 1999, should be reversed.

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5 **ORDER**

6 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is  
7 granted and the determination of the Director, dated February 8, 1999, is reversed.

8 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

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10 WASHINGTON STATE PERSONNEL APPEALS BOARD

11 \_\_\_\_\_  
12 Gerald L. Morgen, Vice Chair

13 \_\_\_\_\_  
14 Nathan S. Ford Jr., Member